

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
City Signal Communications, Inc.)
) CS Docket No. 00-253
Petitioner)
)
 v.)
)
City of Cleveland Heights)
)
Defendant)

ORDER

Adopted: January 12, 2004

Released: January 15, 2004

By the Deputy Chief, Media Bureau:

1. City Signal Communications, Inc. ("City Signal") filed a Petition for Declaratory Ruling on October 16, 2000, asking the Commission to preempt enforcement of any pronouncement or other requirement of the City of Cleveland Heights, Ohio that prohibits or may have the effect of prohibiting City Signal from providing interstate or intrastate telecommunications service and further asking the Commission to order the City to grant a permit for construction of aerial fiber optic facilities in the city. The City wanted City Signal to use underground facilities in some city locations. We placed this petition on public notice and established a pleading cycle.¹ Parties to this proceeding and other persons submitted comments and ex parte presentations.

2. The City and City Signal advised that they were negotiating an access agreement.² In response to a January 31, 2002, request for a report on the status of these negotiations,³ City Signal advised that these negotiations were unsuccessful and it had reengineered its network and built around the city.⁴ We find its petition to be moot.

¹ Comments Sought on City Signal Communications, Inc. Petition for Declaratory Ruling Concerning Use of Public Rights of Way for Access to Poles in Cleveland Heights, Ohio Pursuant to Section 253, CS Docket No. 00-253, Public Notice, DA 00-2870 (rel. Dec. 22, 2000).

² Letter from Kathy L. Cooper, Esq., to Magalie Roman Salas, Secretary, FCC, at 2 (June 1, 2001); Letter from Janet Alter to Magalie Roman Salas, at 2 (May 23, 2001).

³ Letter from Marjorie Reed Greene, Associate Bureau Chief, Cable Services Bureau, FCC, to Jeffrey M. Karp, Esq. and Kathy L. Cooper, Esq. (Jan. 31, 2002).

⁴ City Signal, Report on Status of Negotiations in CS Docket Nos. 00-253 and 00-255, at 1, 3 (Feb. 14, 2002).

3. Accordingly, IT IS ORDERED that the Petition for Declaratory Ruling filed by City Signal Communications, Inc. on October 16, 2000 IS DISMISSED as moot.

4. This action is taken pursuant to authority delegated by section 0.321 of the Commission's rules, 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

**William H. Johnson
Deputy Chief
Media Bureau**